

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Lamar A. Cutner

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

A/W Joseph Canaza Capt. Dewmeyer Hightower  
CAPT. CAMPISI L.T. RAMP L.T. DELTA  
L.T. BROWN Sgt. Anthony Jones Sgt. Miles Perkins  
Steve Heshum B. BAYLOR Mental Health of  
Mental Health of  
Frank Miller

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

**Complaint for Violation of Civil Rights**

(Prisoner Complaint)

Case No. 6:23-cv-2534-RMG-KFM  
(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☐ No  
(check one)

**NOTICE**

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

When submitted for filing, your complaint should be accompanied by the full filing fee or an application to proceed in *forma pauperis*.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Sgt. Anthony Jones

All other names by which you have been known

ID Number

Current Institution

Address

Broad River Corr.  
4460 Broad River Road  
Columbia S.C. 29210

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Lt RampJob or Title  
(if known)

Shield Number

Employer

Address

don't know  
Lt  
4460 Broad River Road  
Columbia S.C. 29210

☐ Individual capacity☐ Official capacity

Defendant No. 2

Name

Lt  
Capt. Campisi now  
christopher

Job or Title  
(if known)

S.C.D.C. Sgt. Miles Perkins

Shield Number

Employer

Address

Sgt.  
4460 Brunel River Secure Facility  
Columbia S.C. 29210



Individual capacity



Official capacity

Defendant No. 3

Name

L.T. DeHa

Job or Title  
(if known)

Shield Number

Employer

Address

N/A  
LT  
BRCI 4460 Brunel River Road  
Columbia S.C. 29210



Individual capacity



Official capacity

Defendant No. 4

Name

Dewayne Hingtford

Job or Title  
(if known)

S.C.D.C.

Shield Number

Employer

Address

don't have  
Major Capt. At the time of incident  
BRCI 4460 Brunel River Road



Individual capacity



Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

Defendants located at Brosel niver Cam.  
Inst.

A/W Joseph  
CAPT. Hingleton Dewanye / Major now  
~~LT~~ L.T. Christopher Campisi / Now Captain  
L.T. Brown cert team L.T. Raychaen  
L.T. Ramp L.T. ~~Quinn~~ Burkett  
L.T. Delta cert team officer  
Sgt. miles perkins  
Sgt. Anthony Jones  
Sgt. Steven Pleshman  
Mental Health officer B. Baylor  
Mental Health officer Frank Miller

LEGAL MAIL

A. Are you bringing suit against (*check all that apply*):

- ☐ Federal officials (a *Bivens* claim)  
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

state S.C.D.C. officials

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

state officials deprivation of my rights use excessive force violated 8th Amendment

D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial detainee  
☐ Civilly committed detainee  
☐ Immigration detainee

S.D.C. prisoner

- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) \_\_\_\_\_

#### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

they arose inside the inst.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

At Broad river corr. inst.  
BRCI secured facility congress  
unit 133 NOV. 4th 2021

- C. What date and approximate time did the events giving rise to your claim(s) occur?

NOV. 4, 2021 around 11 to 12

- D. What are the facts underlying your claim(s)? (For example: What happened to you?

Who did what? Was anyone else involved? Who else saw what happened?)

Joseph [unclear] capt. [unclear] [unclear] Develop a team  
to come into my cell and they came to my cell violated  
policy 22.01 use force didn't give me NO directions to come to  
door to be cuffed pop open my lock up door I was already  
LAYING down with my hands behind my back L.Y. RAMP came hit  
me in the head with shield and then Sgt. Jones hit me with leg  
IRONS hitting me in head I bleed all the way out the unit  
went to Palmetto richland hospital got 4 STAPLES in head  
I had two black eyes police serve came to inst. that [unclear]  
arrest cause they didn't want them to see my black eyes



## Brief' complaint

ON NOV. 4th 2021 mental officer Bayler left my window flap unsecured in a secured mental health facility at Bronel river corr. inst. At a mental health program at the Bronel river river secured facility. A incident report was done by the capt. Dewnyne Hightal that indicate that the mental health officer left my flap open and unsecure to where it caused conflict between me and another mental health officer by the name of Frank Miller when this incident occur the capt. and warden ~~captain~~ develop a team of officers to come to my cell and remove me from my cell. when these officers came to my cell they violated policy and procedures they was suppose to ask or tell me to come to the door to be cuffd which they didnt tell me or give me a direction on camera to come to the door to be cuffd AND

**LEGAL MAIL**

They open my Lock up door in Congree  
133 in program unit. Came into my cell assaulted  
me in the head with shield when I was  
already Laid down with my hands behind my  
back and LIT RAMP still hit me in my head  
for no reason and S. gt. Jones hit me with  
Legs Irons shackles twice in the face once they  
seen I was bleeding S. gt. Perkins lied and  
said stop resisting sir stop resisting for the  
camera I asked police service to take lie  
detector tests behind my allegations they said  
ok But never came and gave me the tests  
these officer's and staff use excessive force on  
me and violated the of 22.01 policy Also they  
deprive me of my rights and assaulted me  
and violated my 8th Amendment cruel and  
unusual punishment

**LEGAL MAIL**



V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I received A gash in Left Side of my Head went to medical and they tried to stop the Bleeding wrap my head and tried to send me back to my cell knowing I needed Stitches But the Blood wouldn't stop and then CAPT Hingleston told them I needed to go to hospital so they took me to palmetto richland to get 4 staples in my head

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I want the courts to make the South Carolina department corrections pay me 150,000 for the Damage and injuries I received to the head and the pain and suffering

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Brantley river corr. inst.

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

I wrote it up and sent it to grievance  
about they assaulted me and violated  
my 8th Amendment deprive me of my  
Right

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

well I filed AT Bronel  
river

E. If you did file a grievance:

1. Where did you file the grievance?

Bronel river corr. inst.

2. What did you claim in your grievance?

they violated policy and proceedings  
and violated my 8th admn.  
use excessive force

3. What was the result, if any?

I was moved to Kirkland  
from Bronel river and when I  
got to Kirkland the mail was broke  
up and they sent my grievance  
broke saying the time had expired

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

Step 2 my grievance expired  
the same day I received

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

I did file

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

I wrote a grievance to the  
warden A/W Cannon and warden  
Nelson

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Kirkland sent my grievance back  
the same day of my expiration  
date I feel it out sent it to the  
exhaustion of your administrative remedies.) sayin time expired + back

### VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☒ Yes

☐ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

Defendant(s)

LAMONT GIBNER  
Sheik Johnson

2. Court (if federal court, name the district; if state court, name the county and State)

dorchester county

3. Docket or index number

N/A

4. Name of Judge assigned to your case

CAV. rember

5. Approximate date of filing lawsuit

Oct 18, 2018

6. Is the case still pending?

☐ Yes

☒ No

(settle)

If no, give the approximate date of disposition.

Dec. 22 2022



7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

settlement

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

NO

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county and State)

NO

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☐ Yes

☒ No

N/A

If no, give the approximate date of disposition. NO

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N/A

## IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: \_\_\_\_\_, 2023

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

City

State

Zip Code

### B. For Attorneys

Date of signing: \_\_\_\_\_, 20\_\_.

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

Telephone Number

E-mail Address

BREZ Saluda Rm 239  
440 Broad river Road  
Columbia S.C. 29210

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